

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of:  
Robert Stout et al.

For: METHOD AND APPARATUS FOR  
FUEL ADDITIVE DISPENSING

Atty Dkt: 23555-P001US

§ Serial No: 09/502,899  
§  
§ Filed: February 11, 2000  
§  
§ Group Art Unit: 3651  
§  
§ Examiner: Jeffrey A. Shapiro  
§ 703.308.3423  
§

#15

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

"EXPRESS MAIL" MAILING LABEL	
Number: <u>EL 812538346</u>	Date of Deposit: <u>16 July 2003</u>
<small>Pursuant to 37 C.F.R. § 1.10, I hereby certify that I am personally depositing this paper or fee with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed, and (b) addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.</small>	
Date: <u>16 July 2003</u>	Signature: <u>Denise D. Sadberry</u>
Printed Name: <u>Denise D. Sadberry</u>	

**PETITION UNDER 37 C.F.R. § 1.137**  
**TO REVIVE ABANDONED APPLICATION**

Sir:

This paper is submitted in connection with the above-referenced application ("the '899 application") and is accompanied by a Terminal Disclaimer and the appropriate fees as described below. If the payments are incorrect in amount, the Commissioner is hereby authorized to charge any fees or credit any overpayments in connection with this Petition to Revive to Winstead Sechrest & Minick P.C. Deposit Account No. 23-2426, referencing Attorney Docket No. 23555-P001US.

The Assignee hereby petitions under 37 C.F.R. § 1.137 for revival of the '899 application, which has been unintentionally abandoned. The undersigned attorney for assignee incorrectly calculated the extended due date for response to an Office Action dated January 14, 2003 issued in connection with the '899 application. Though no Notice of Abandonment has yet been received, it is presumed that the application was abandoned as of July 15, 2003.

## PRELIMINARY AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION

The requisite fee for this Petition is submitted herewith, along with a Terminal Disclaimer and associated fee payment. A complete Response to the January 14, 2003 Office Action, along with a Petition for Extension of Time and associated fee payments are also submitted herewith.

In view of the foregoing, it is respectfully submitted that abandonment of the '899 application was unintentional, as required by 37 C.F.R. § 1.137

The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

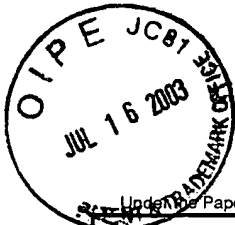
Date: 16-JUL-03

Hugh R. Kress

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ATTORNEY FOR ASSIGNEE

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23555-P001US 07/16/2003



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PTO/SB/64 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
**23555-P001US**First named inventor: **Robert Bennett Stout**Application No.: **09/502,899**Group Art Unit: **3653**Filed: **February 11, 2000**Examiner: **Jeffery A. Shapiro**Title: **METHOD AND APPARATUS FOR FUEL ADDITIVE  
DISPENSING**Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☒ Small entity-fee \$ 650.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in  
the form of Request for Continued Examination and Preliminary Amendment (identify type of reply):**

- ☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

**B. The issue fee of \$ \_\_\_\_\_.**

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on  
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC  
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

07/21/2003 AWONDAF1 00000025 09502899

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## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☒ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ 55.00 for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

July 16, 2003

Date

Hugh R. Kress

Signature

Telephone

Number: (713) 650-2714Hugh R. Kress

Typed or printed name

2400 Bank One Center, 910 Travis Street

Address

Houston, Texas 77002Enclosures: ☒ Fee Payment☐ Reply☒ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Request for Continued Examination and Preliminary Amendment

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

July 16, 2003

Date

Denise D. Sadberry

Signature

Denise D. Sadberry

Type or printed name of person signing certificate